

**Conservation Commission Meeting Minutes**  
**April 24, 2013**

**Members Present:** Louis A. Napoli, Chairman; Joseph W. Lynch, Jr. Vice Chairman; Deborah A. Feltovic; John T. Mabon; Sean F. McDonough (arrived at 8:05 p. m.); Douglas W. Saal.

**Member Absent:** Albert P. Manzi, Jr.

**Staff Members Present:** Jennifer A. Hughes, Conservation Administrator; Heidi M. Gaffney; Conservation Field Inspector, Donna M. Wedge, Conservation Secretary.

***Pledge of Allegiance***

***Meeting came to Order at: 7:35 PM Quorum Present.***

***Public Hearings: 7:36 PM***

**Approval of Minutes of 3/13/13 & 3/27/13**

- A motion to accept the meeting minutes of 3/13/13 and 3/27/13 as drafted and reviewed is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

***Small Project***

**NACC# 106, 350 Summer Street (Alibrandi)**

- The applicant Nancy Alibrandi of 350 Summer Street is present.
- The field inspector reviews the proposed patio work and removal of play area and states that erosion control is needed before work starts as well as pre-construction and post-construction site visits.
- A motion to accept the filing as a small project 4.4.2 F &G is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to approve the project as proposed is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
  - *Application Checklist-Small Project, Small Project Procedure, Project Narrative, Plan of Land dated 12/2/03*

***Request for Determination of Applicability***

**Near 440 Waverly Road (Massachusetts Electric Company) (Coneco Engineers & Scientists Inc.)**

- Sergio Bonilla of Coneco Engineers & Scientist, Inc. is present.

- Mr. Saal reads the legal notice.
- Mr. Bonilla states this filing is for the installation of a new stub pole to support P.2092 and is associated with a utility pole maintenance project. The new stub pole will be approximately 80' from the wetland.
- Ms. Feltovic asks how long the work will take.
- Mr. Bonilla states about week to do the work in the Buffer Zone. All the other work is outside the Buffer Zone.
- Mr. Lynch asks if they have determined the locations of underground water lines and that they should also call dig safe.
- Mr. Mabon states the work is within the roadway easement at 440 Waverly Road and the wetlands are 80-feet away from this project this is fine.
- A motion to issue a negative determination #3 is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Documents:*
  - *Application Checklist-Request for Determination of Applicability, WPA Form 1-Request for Determination of Applicability and associated documents, Photo 1 dated Fall 2012, Photo 2 dated 3/25/13, Firm Flooding Insurance Rate Map 6/2/1993, Resource Area Map showing proposed erosion controls.*

#### ***Notice of Intent (NOI)***

##### **242-1582, 1049 Salem Street (Lot 70) (Hughes) (Merrimack Engineering Services, Inc.) (cont. from 3/27/13) (Request to cont. to 5/29/13)**

- A motion to grant the request for a continuance to the May 29, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.
- *Document:*
  - *E/Mail from Doug Ahern requesting a continuance to May 29, 2013 meeting dated 4/22/13*

##### **242-1589, 1077 Osgood Street (Angus Realty Corporation) (Lynnfield Engineering, Inc) (cont. from 3/27/13) (Request to cont. to 5/8/13)**

- A motion to grant the request for a continuance to the May 8, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
  - *E/Mail from Richard Barthelmes of Lynnfield Engineering, Inc. requesting a continuance to May 8, 2013 dated 4/22/13*

##### **242-1590, Great Pond Road (Map 3/Parcel 38) (Sciuto) (Christiansen & Sergi, Inc.) (cont. from 4/10/13) (Request to cont. to 5/8/13)**

- A motion to grant the request for a continuance to the May 8, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*

- *E/Mail from Lois Christiansen of Christiansen & Sergi, Inc. requesting a continuance to May 8, 2013 meeting dated 4/23/13*

**242-1588, 464 Appleton Street (Carroll) (Christiansen & Sergi, Inc.) (cont. from 4/10/13) (Request to cont. to 5/8/13)**

- A motion to grant the request for a continuance to the May 8, 2013 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.
- *Document:*
  - *E/Mail from Lois Christiansen of Christiansen & Sergi, Inc. requesting a continuance to May 8, 2013 meeting date 4/24/13*

**242-1592, Pleasant Street (North Andover Division of Public Works) (Aquatic Control Technology)**

- The Applicant Bruce Thibodeau of North Andover Division of Public Works, Ericka Haug, of Aquatic Control Technology, Keith Gazaille of Aquatic Control Technology, and Abutter William J. Harron of 49 Millpond are present.
- Ms. Feltovic reads the legal notice.
- Ms. Haug presents the history of the algae problem in Steven's Pond and discusses the plan to address the issue.
- Mr. Mabon asks about the protocols with other towns that have treated.
- Ms. Haug states that the first treatment is to bind the phosphorous and the second is to kill the algae.
- Mr. Gazaille discusses how much treatment to use and about sampling to know when adequate treatment is reached. He states that the first treatment would likely be towards the end of May.
- Mr. Lynch asks if previous hydro-raking could have made the algae problem worse and also asks if this could start a problem in Lake Cochichewick.
- Mr. Gazaille states that the answer to both is not likely.
- The commission continues discussion about the proposed treatment.
- Mr. Thibodeau states that Steven's Pond is not part of the watershed and they discussed flushing the pond but that could endanger the water level in Lake Cochichewick and that could endanger the water supply.
- Ms. Feltovic asks when they will know if they need to re-treat.
- Ms. Haug states that the pond will be monitored and if additional treatment is needed it will be done.
- Mr. McDonough asks if they will notify the abutters when they are going to treat.
- Ms. Haug states that they will if required to do so.
- Ms. Feltovic asks if the public will be able to swim in the pond soon after treatment.
- Ms. Haug states yes.
- Mr. Napoli asks about future considerations.
- Ms. Haug states that fan wart plants have been observed and they will seek prior approval before any treatment.
- A motion to close the public hearing and issue a decision within 21 days is made by Mr. Lynch, seconded by Ms. Feltovic.

- Vote unanimous.
- *Documents:*
  - *Application Checklist-Notice of Intent, WPA Form 3-Notice of Intent and associated documents, Certified Abutter's List dated 4/2/13, Proposed Aquatic Management Program, Water Quality, Management of Nuisance Aquatic Vegetation Species, Future Considerations, Impacts of the Proposed Management Plan Specific to the Wetland Protection Act, Alternative Methods of Control, Steven's Pond-Wildlife Habitat Evaluation, Control Algae & Excess Vegetation in Lakes, Lake Enhancement, SeClear Algaecide, Steven's Pond Baseline Assessment Survey Report dated February 2013, General Pond Description, Summary of Water Quality Sample Results for 2012, Management options & Recommendations, Watershed Management, Source Control, Recommended 2013 Program, Early-season low dose aluminum sulfated treatment, Periodic SeClear treatments, Season-long Sampling and Monitoring, Install a fragment barrier between the retention pond and Stevens Pond, Locus Map dated 11/28/12, Water Quality Sample Site Location dated 11/20/12*

**242-1593, 16 Berry Street (North Andover Holdings, LLC) (LEC Environmental Consultants, Inc.)**

- The applicant Eric Loth of North Andover Holdings, LLC; Matthew Bombaci of GPR, Inc.; Cal Goldsmith of GPR, Inc. and Ann M. Marton of LEC Environmental Consultants, Inc. are present.
- Abutter's Thomas E. Perry & Elizabeth J. Perry of 303 Berry Street; Nancy L. Smith of 75 Windsor Lane; Patrick R. Lavery of 259 Campbell Road and Sean M. Dunn of 325 Berry Street are present.
- Mr. McDonough reads the legal notice.
- Ms. Marton presents and overview of the project. She discusses the FEMA re-mapping of the area, the habitat for the Blanding's Turtle and states that they are waiting for comments from NHESP. She also states that they are seeking to widen Berry Street to 20' on the north side of the street.
- Mr. Bombaci presents the stormwater aspects of the project.
- Ms. Marton discusses the wetland fill and replication and reviews the plants and topography.
- Mr. Napoli states that this is a 40B project filing which is controlled by Zoning Board of Appeals and states that the Conservation Commission will only hear concerns that are related to the wetland resource areas on the property.
- Abutter Tom Perry states that he is concerned about increased traffic on Berry Street.
- Mr. Napoli states that the commission is limited to wetland related issues only.
- Mr. Lynch states that wetland concerns could come into play if Berry Street is proposed to be widened further down.
- The commission discusses the stormwater aspects of the project.
- Mr. McDonough asks what efforts were put into avoiding the wetlands.
- Mr. Lynch asks about habitat enhancements.
- Ms. Marton states there is conservation restriction on the property already.
- Mr. McDonough states there should be no structures within the 50-foot No-Build zone.

- Mr. Mabon states that an alternatives analysis needs to be submitted for pavement within the 50-foot No-Build zone.
- Habitat enhancements are discussed.
- Abutter Patrick Lavery of 259 Campbell Road states that he soils are very complex and that Natural Heritage has placed restrictions on where they can build. He mentions the stonewall plaza and the stormwater aspects.
- Abutter Sean Dunn of 325 Berry Street discusses his concerns.
- Mr. Bombaci states that stormwater test pits have been done.
- Mr. McDonough asks about any contaminated soil that may be on the site.
- Mr. Goldsmith states that the owners did a 21E prior to the sale.
- The administrator states that she will ask for a copy of the 21E report.
- The applicant requests to continue.
- A motion to grant the request for a continuance to May 29, 2013 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- *Documents:*
  - *Application Checklist-Notice of Intent, WPA From 3-Notice of Intent and associated documents, Certified Abutter's List dated 3/27/13, Massachusetts Natural Heritage & Endangered Species Program Designation, Stormwater Management, Erosion and Sediment Control, Literature Cited, Flood Insurance Rate Map dated 7/3/12, MAGIS Orthophoto dated 4/12/13, Web Soil Survey dated 4/9/13, Federal Emergency Management Agency dated 2/23/2006 LOMA determination Document (Removal), Division of Fisheries & wildlife recorded 2/7/2012, Conservation Restriction Plan of Land dated 1/6/12, Hydrologic and Hydraulic Computation Methodology, Compliance with Stormwater Management Standards, Checklist for Stormwater Report, Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan, Multi-Family Residential Development Comprehensive Permit Plans Title Sheet dated 3/26/13, Existing Conditions & Demolition Plan dated 3/26/13, Site Layout & Utilities Plan dated 3/26/13, Grading, Drainage & Paving Plan dated 3/26/13, Erosion & Sediment Control Plan dated 3/26/13, Construction Details Plan dated 3/26/13, Buffer Zone Restoration Plan dated 3/26/13, Recreation Pathway Plan & Details dated 3/26/13.*

**242-1576, 95 Thistle Road (Sullivan) (Norse Environmental Services, Inc.) (cont. from 2/13/13)**

- The applicants William & Regina Sullivan are present.
- The administrator discusses the history of the proposed project.
- Mr. Sullivan presents the current plan and submits a landscape plan at the meeting.
- Mr. Lynch states that the plan appears to do what was required.
- Mr. McDonough asks what the basis is for requesting a waiver of the 75' No-Build to the ephemeral pool habitat.
- The administrator states that waivers have been given to 109 Nutmeg Lane and 22 Thistle Road for similar circumstances.
- Mr. Saal asks why the fence goes so far into the buffer zone.
- Ms. Sullivan states that she doesn't want the fence right against the pool and wanted enough area for there to be some yard and for the dog to get into the shade.

- Mr. Lynch discusses the waiver request.
- Ms. Sullivan states that the fence can be moved.
- Mr. Lynch states that other fences have been required to be about 5' off of the edge of the pool.
- The commission discusses the fence with the applicants.
- A motion to grant the waiver request is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote 5 to 1 (Mr. McDonough opposed)
- A motion to grant the request for a continuance to May 8, 2013 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from Norse Environmental Services, Inc. dated 4/17/13, Proposed Swimming Pool Plan revised 4/17/13, Planting plan received 4/24/13.*

**242-1580, 1018 Osgood Street (JFJ Holding, LLC) (MHF Design Consultants, Inc.) (cont. from 4/10/13)**

- Mr. Napoli recuses himself as an abutter.
- Mark Gross of MHF Design Consultants, Inc. is present.
- The administrator presents the final changes to the project.
- A motion to close and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from MHF Design Consultants, Inc. revised dated 4/19/13, Plan from Lane Enterprise, Inc. for the sand filter revised dated 4/11/13.*

**242-1584, 250 Clark Street (KEYW Corporation) (Flight Data, Inc.) (Williams & Sparages) (cont. from 4/10/13)**

- Mr. Napoli returns to the meeting.
- Chris Sparages of Williams & Sparages is present.
- The administrator discusses the plan.
- Mr. Sparages briefly reviews the project and states that there will be no refueling and no deicing of planes on the lease property.
- A motion to close and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from Williams & Sparages including O & M Plan dated 4/17/13, Layout Plan revised 4/16/13, Site Plan revised dated 4/16/13, Site Plan Details revised 4/16/13.*

**242-1591, 110 Sutton Street (Douglas Mund Design Group) (DGT Survey Group-North Shore) (cont. from 4/10/13)**

- Scott Cameron of The Neve-Morin Group, Inc. is present

- The administrator states that Natural Heritage issued a no-take letter and a copy has been received.
- A motion to grant the waiver request is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from Division of Fisheries & Wildlife dated 4/14/13, The Neve-Morin Group, Inc., Project Report Drainage Analysis & Riverfront Area Narrative dated 3/6/13, Site Improvement Plan revised dated 4/4/13.*

***General Business: 9:45 PM***

**24201315, COC Request, 85 Ogunquit Road (Lot 6) (Breen) (The Neve-Morin Group, Inc.) (Request to cont. to 5/8/13)**

- A motion to grant the request for a continuance to May 8, 2013 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- *Document:*
  - *Fax received 4/23/13 from Peter Breen requesting continuance.*

**242-1526, 285 Holt Road (Wheelabrator Technology, Inc.) (MHF Design Consultants, Inc.)**

- Mark Gross of MHF Design Consultants, Inc. is present.
- The administrator reviews briefly and shows the commission the photos.
- A motion to issue the COC is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*
  - *Letter from MHF Design Consultants, Inc. dated 4/9/13, WPA From 8A-Request for Certificate of Compliance dated 8/11/13, Photo's dated 4/4/13.*

**242-242-1577, Modification Request, 78 Great Pond Road (Zahoruiko)**

- Thomas D. Zahoruiko of TLD, LLC is present.
- Mr. Zahoruiko states the house the house was built farther away from the resource areas and states that he would like to add a deck rear of the house and eliminate the patio that was proposed on the original plan. The modification plan also shows and a/c pad to south of the house and a proposed stone retaining wall to the rear of the house and beside the driveway. He states that the net results are the house is further from wetland and there is a reduction in impervious surface in jurisdictional areas of approximately 836 s. f. which is approximately 25%.
- Mr. Mabon states the commission expects better notification of changes.
- A motion to grant the modification request is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.
- *Documents:*

- *Letter from TLD, LLC dated 4/15/13, List of changes dated 4/15/13, Plan dated 4/15/13.*

**242-1428, Modification Request, Lot 4N-A Turnpike Street (One Hundred Fourteen Trust) (Patrick C. Garner of Garner Company, Inc.)**

- The applicant Pribhu Hingorani of One Hundred Fourteen Trust; Patrick C. Garner of Garner Company, Inc. and Timothy Barlow the Builder are present.
- The administrator presents the proposed modifications.
- Mr. Garner discusses the proposed changes and that an email was received from Eggleston Environmental stating that the changes are okay. He states that the changes are to reduce the size of several units, add side entrances onto some units, move/rotate some of the infiltrators and add propane tanks some of which will be very close to the wetlands. New stamped plans are submitted at the meeting.
- The commission discusses the changes and asks for the propane tanks to be moved further from the wetlands.
- Mr. Lynch states that this needs to be reviewed by the Conservation Commission more closely due to the high ground water and that the tanks may need to be anchored in the ground.
- The applicant requests a continuance.
- A motion to grant the request for a continuance to May 8, 2013 meeting is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.
- *Documents:*
  - *Revised plan submitted at the meeting dated ????*

***Decisions***

**242-1583, 120 Holt Road**

- The administrator reviews the draft Order of Conditions.
- The commission amends the order.
- A motion to issue the Order of Conditions as amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

**242-1580, 1018 Osgood Street**

- The administrator reviews the draft Order of Conditions.
- A motion to issue the Order of Conditions as drafted is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

**24201591, 110 Sutton Street**

- The administrator reviews the drafted Order of Conditions.
- The Commission amends the order.
- A motion to issue the Order of Conditions as amended is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.



**242-1584, 250 Clark Street**

- The administrator reviews the drafted Order of Conditions.
- The Commission amends the order.
- A motion to issue the Order of Conditions as amended is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to adjourn the meeting at: 10:40 PM is made by Mr. Lynch, seconded by Ms. Feltovic***

***Vote unanimous***